



General Assembly

January Session, 2013

Amendment

LCO No. 6502

HB0654906502HD0

Offered by:

REP. MEGNA, 97th Dist.

SEN. CRISCO, 17th Dist.

To: Subst. House Bill No. **6549**

File No. 304

Cal. No. 214

(As Amended)

"AN ACT ESTABLISHING A MEDIATION PROGRAM FOR CERTAIN INSURANCE POLICY CLAIMS ARISING FROM A CATASTROPHIC EVENT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 38a-313a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) (1) Prior to commencing any repair, remediation or mitigation
6 pursuant to a loss occurring on or after [July 1, 2012, and covered]
7 October 1, 2013, under a personal risk insurance policy, as defined in
8 section 38a-663, or a commercial risk policy, as defined in section 38a-
9 663, the person who will perform the repair, remediation or mitigation
10 shall: [provide an]

11 (A) Provide an insured with a written notice that indicates the scope

12 of the work to be completed and the estimated total price. Such notice
13 shall not be required for [(1)] (i) any repair of an automobile that is
14 subject to this chapter, or [(2)] (ii) any repair that is subject to chapter
15 400; [.] and

16 (B) Include, in any contract or document in connection with such
17 repair, remediation or mitigation that authorizes an insurer to make a
18 payment directly to the person performing such repair, remediation or
19 mitigation, a provision that discloses to the signatory, in not less than
20 twelve-point type immediately above the signature line, that the
21 insured has the right to be named as a joint payee on the payment
22 instrument.

23 (2) No such contract or document shall include any provision that
24 creates a power of attorney or waives the signatory's or insured's legal
25 rights against the person performing such repair, remediation or
26 mitigation.

27 (b) If the person performing the repair, remediation or mitigation or
28 a contract or document in connection with such repair, remediation or
29 mitigation fails to [provide the written notice in accordance with
30 subsection (a) of this section to an insured] comply with the
31 requirements set forth in subsection (a) of this section, any contract
32 between such person and such insured for, or document in connection
33 with, such repair, remediation or mitigation shall be void.

34 (c) As used in this section, "remediation" includes, but is not limited
35 to, cleaning services."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2013	38a-313a